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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

IN RE GOOGLE PLAY DEVELOPER  
 ANTITRUST LITIGATION

Case No. 3:20-cv-05792-JD

DEVELOPER PLAINTIFFS'  
 ADMINISTRATIVE MOTION TO  
 PARTIALLY FILE UNDER SEAL FIRST  
 AMENDED CONSOLIDATED CLASS  
 ACTION COMPLAINT

Hon. James Donato

*Related Actions:*  
*Epic Games, Inc. v. Google LLC,*  
 No. 3:20-cv-5671-JD  
*In re Google Play Consumer Antitrust*  
*Litigation, No. 3:20-cv-5761-JD*

Developer Plaintiffs bring this administrative motion pursuant to Civil Local Rules 7-11 and 79-5, to partially file under seal the First Amended Consolidated Class Action Complaint for Violation of the Sherman and Clayton Acts (15 U.S.C. §§ 1, 2, 3, 15, 26), Cartwright Act (Cal. Bus. & Prof. Code §§ 16700 et seq.) and Unfair Competition Law (Cal. Bus. & Prof. Code §§ 17200 et seq.) (“Amended Complaint”).

Civil Local Rule 79-5 provides that documents, or portions thereof, may be sealed if a party “establishes that the documents, or portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under the law.” Civ. L.R. 79-5(b). Under this standard, a party seeking to seal a document generally must overcome the “strong presumption in favor of access” that applies to court documents other than those that are traditionally kept secret. *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (citations omitted). However, the “public has less of a need for access to court records attached only to non-dispositive motions because those documents are often ‘unrelated, or only tangentially related to the underlying cause of action.’” *Id.* at 1179 (citations omitted). Instead, a “‘good cause’ showing under Rule 26(c) [of the Federal Rules of Civil Procedure] will suffice to keep sealed records attached to non-dispositive motions.” *Id.* at 1180; *In re NCAA Student-Athlete Name & Likeness Licensing Litig.*, 2013 WL 3014144, at \*1 (N.D. Cal. Jun. 17, 2013). A party seeking to seal such material must make a “particularized showing of good cause with respect to any individual document.” *San Jose Mercury News, Inc. v. U.S. Dist. Court, N. Dist. (San Jose)*, 187 F.3d 1096, 1103 (9th Cir. 1999). Sealing requests must also be “narrowly tailor[ed].” Civ. L.R. 79-5(b).

Subsection (e) of Local Rule 79-5 sets forth procedures that apply when a party seeks to file information designated as confidential by an opposing party. This Administrative Motion is based on Defendants’ Google LLC, *et al.* (“Google”) designation of information referenced in the Amended Complaint identified above as “Confidential” or “Highly Confidential – Attorneys’ Eyes Only” under the Stipulated Protective Order (“Protective Order”) in place in this action.<sup>1</sup>

Developer Plaintiffs do not at this time take any position on whether the relevant Google

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<sup>1</sup> Stipulated Protective Order, December 10, 2020, ECF Nos. 76-1, 78 in Case No. 3:20-cv-05792-JD.

1 information meets the standard for sealing. Pursuant to subsection (e)(1) of Local Rule 79-5, Google  
2 has four days to file a declaration identifying the designated material they contend is “sealable” (as  
3 defined in Local Rule 79-5(b)).  
4

5 DATED: July 21, 2021

Respectfully submitted,

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